IN THE DRAWINGS:

The attached drawing(s) include changes to FIGS. 4, 5, and 6. The sheet containing FIG. 4 replaces the original sheet including FIG. 4. The sheet containing FIGs. 5 and 6 replaces the original sheet including FIGs. 5 and 6. In FIGs. 4, 5, and 6 the term --DATE-- is replaced with the word --TIME--.

Approval of these changes to the drawings is respectfully requested.

REMARKS

In accordance with the foregoing, the specification, drawings, and claims 1, 2, 4-6, and 8-12 are amended. New claim 13 is presented. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended specification, drawings, amended claims, and new claim are respectfully requested.

Claims 1-13 are pending and under consideration.

STATEMENT OF SUBSTANCE OF INTERVIEW

An in-person interview was conducted between the Applicants' representative and the Examiner and the Examiner's supervisor on May 11, 2005. Applicants thank the Examiner and the Examiner's supervisor for the opportunity to conduct the in-person interview.

During the interview, patentable features of the present invention not taught by the cited art, alone or in combination were discussed. For example, the Examiner agreed that the art currently relied on does not teach a "settable" time error. In addition, the Examiner agreed that the art currently relied on does not teach a bar code reader that calculates.

In addition, the Examiner's supervisor suggested amendment of the claims to clarify features of the present invention including a "date" setting bar code and term expiration checking would further distinguish the claims over the art currently relied on.

CLAIM, SPECIFICATION, AND DRAWING AMENDMENTS

As discussed during the in-person interview, and suggested by the Examiner's supervisor claims 2, 4, 6, 8, 10, and 12 are amended to clarify that the setting of the bar code according to the present invention includes setting of a time and replace the term --date-- with "time." FIGs. 4, 5, and 6 and respective specification paragraphs are amended. No new matter is added. (See, for example, page 10 of the specification that uses, before the amendment, the term "date" setting to represent setting a "precise date (year, month, day, hour, and minute.")

Further, as suggested by the Examiner's supervisor, claims 1, 2, 5, 6, 9, and 11 are amended to clarify that the bar code reader and method "calculate" rather than "check." (See, for example, page 11, lines 19 discussing the main controller 109 that "calculates.")

Further, as suggested by the Examiner's supervisor, claims 6, 10, and 12 are amended to recite, using claim 6 as an example, a method "setting a length of time as time error information. (seem page 8, line 20).

No new matter is added and, accordingly, approval and entry of the amended specification, drawings, and amended claims are respectfully requested

ITEMS 3-4: REJECTION OF CLAIMS 1-12 UNDER 35 U.S.C. §103 AS BEING UNPATENTABLE OVER OGASAWARA (U.S.P. 6,327,576) IN VIEW OF COMBINATIONS OF BUTTON ET AL. (U.S.P. 5,786,584) AND WAXELBAUM ET AL. (U.S. P. 6,308,893)

The Examiner rejects claims 1-12 under 35 U.S.C. §103 as being unpatentable over Ogasawara in view of combinations of Button and Waxelbaum.

As discussed during the in-person interview, Applicants submit that claims 1-12 recite features not taught by the cited art, alone or in combination. As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F. 2d 1981, (CCPA 1974).

Bar Code Reader That Calculates Not Taught By Cited Art

Independent claims 1, as amended, recites a bar code reader including a "term expiration check unit that calculates whether the term of the article has expired based on the term information." Independent claim 5 recites a method using a bar code reader including "calculating whether a term of the article has expired based on the term information, the calculating being performed by the bar code reader."

Independent claim 9 recites a bar code reader for a POS system, the bar code reader including "a term expiration check unit that calculates whether a term of an article has expired based on a comparison of a present time with term information." Independent claim 11 recites a bar code read control method applied to a bar code reader including "calculating whether a term of an article has expired based on a comparison of a present time with term information, the calculating being performed by the bar code reader."

Applicants respectfully submit that, as discussed during the in-person interview, none of the cited art, alone or in combination, teach a bar code reader that "calculates" and further there is no incentive, or reasonable chance of success, to modify the cited art to do such.

Bar Code Reader Setting Time Error Not Taught By Cited Art

Further, as discussed during the in-person interview, dependent claims recite features not taught by the cited art, alone or in combination.

For example, dependent claims 6, 10, and 12, as amended, recite, using claim 6 as an example, a method "setting a length of time as time error information."

As discussed during the in-person interview, and affirmed by the Examiner none of the art currently relied on, alone or in combination, teach a bar code reader setting a time error.

Summary

Since features recited by claims 1-12 are not taught by the recited art alone or in combination and *prima facie* obviousness is not established the rejection should be withdrawn allowed and the claims 1-12 allowed.

NEW CLAIM

New claim 13 recites features of the present invention in a different fashion. No new matter is added.

New claim 13 recites a bar code reader, wherein the term expiration check unit includes "a controller calculating the term expiration, and a memory connected to the controller and storing time error information used by the controller in the calculation of the term expiration." (See, for example, FIG. 1).

These, and other, features of new claim 13 patentably distinguish over the cited art, and is submitted to be allowable for the recitations therein.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: June 23, 2005

By: _____
Paul W. Bobowiec
Registration No. 47,431

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

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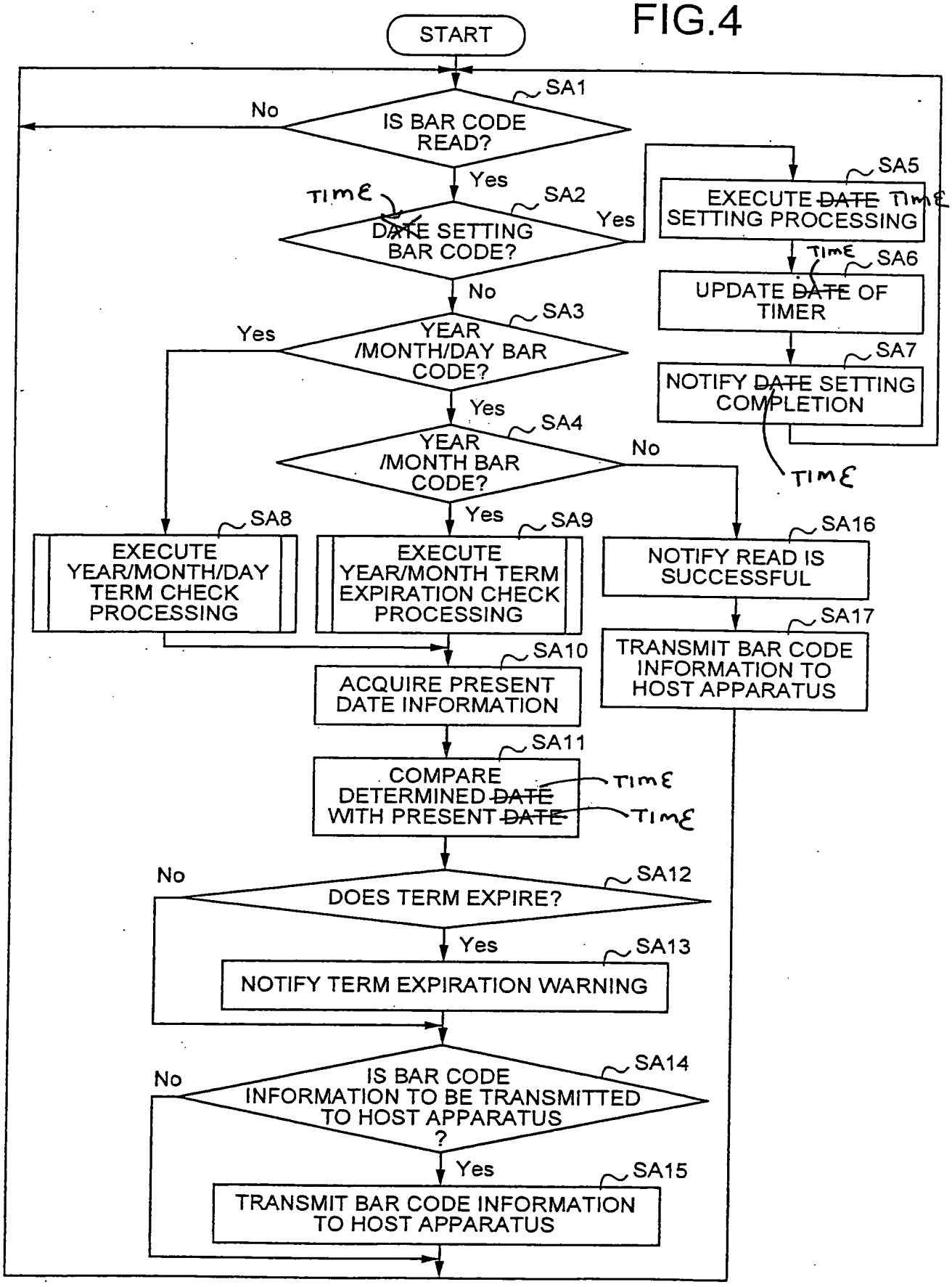
Annotated Sheet

FIG.4



Annotated Sheet

FIG.5

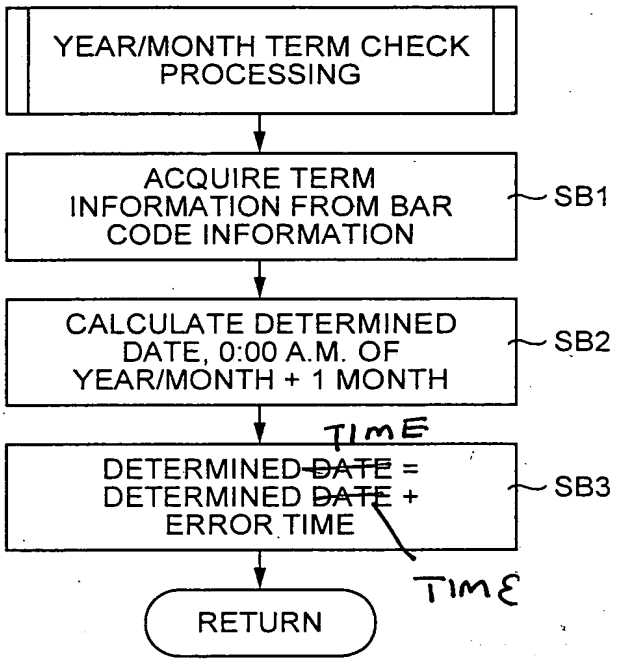
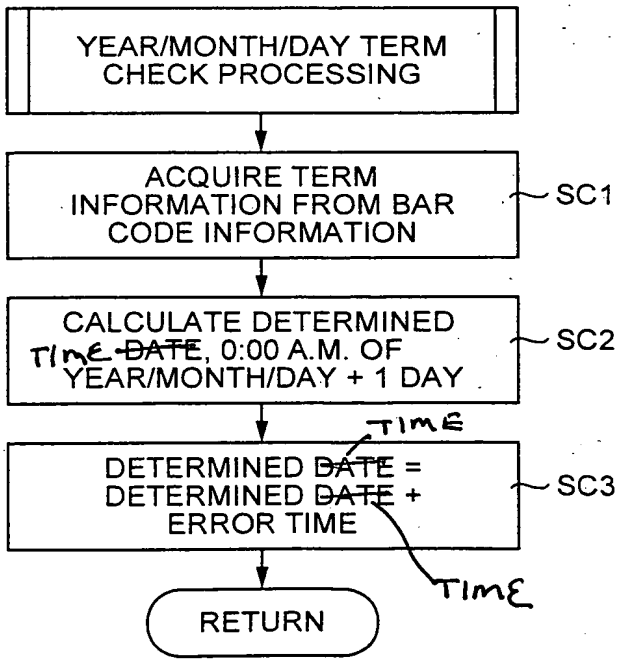



FIG.6